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August 7, 2007

VIA E-FILEING & HAND DELIVERY

Honorable Mary Pat Thyng
United States District Court
For the District of Delaware
J. Caleb Boggs Federal Bldg.
844 North King Street
Wilmington, DE 19801

Re: *Jacobs, et al. v. Sasek, et al.*
Civil Action No.: 06-487(MPT)

Dear Magistrate Judge Thyng:

As the docket will reflect, the Court issued its Second Amended Scheduling Order in the above matter on July 11, 2007. This Order essentially adjusted the dates for the Rule 26(a) (2) disclosures of expert testimony to July 31 and September 14, 2007 for the Plaintiffs and Defendants, respectively, and moved the Interim Status Report to September 14, 2007. Pursuant to the terms of the Order, Plaintiffs timely filed its expert disclosures on July 31, 2007. The following day, Mr. Jacobs contacted Mr. Silverberg's office to advise that he was experiencing worsening problems with his left elbow, on which he had ulnar nerve surgery on September 26, 2005, as a result of injuries sustained in this accident, as well as worsening numbness and tingling in the last three fingers of his left hand. He further advised that his operating surgeon had scheduled him for additional EMG and nerve conduction studies and a follow-up with the surgeon to determine if further surgery on his elbow may be necessary.

While the expert disclosures for Janet Jacobs have presented no problems, the situation for Mr. Jacobs is now problematic for both counsel with respect to expert disclosures.

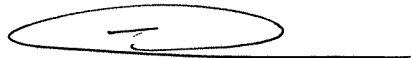
Mr. Silverberg has discussed these events with Dan Bennett, counsel for Defendants, and proposed moving once again the date for final expert disclosures for Mr. Jacobs only. The Pretrial Conference in this matter is not scheduled until February 14, 2008, and, therefore, further movement of the date for expert disclosures regarding Mr. Jacobs would not have any significant impact on the other dates set in the Second Amended Scheduling Order. Mr. Bennett has advised us that he takes no position with respect to our request for further amendment to the Scheduling Order. Mr. Bennett and Mr. Silverberg have also agreed that they would have settlement discussions regarding Ms. Jacobs' claim within the next several weeks, and prior to the September 19, 2007 mediation date, and continue to mediate Ms. Jacobs' case on September 19 if not settled before then.

Accordingly, we respectfully request that the dates for disclosures of expert testimony set forth in the Second Amended Scheduling Order be modified as follows:

- ¶3d. Disclosure of Expert Testimony – Plaintiff Carl Jacobs' disclosures on or before **September 30, 2007** (from July 31, 2007), and Defendant's disclosures on or before **November 30, 2007** (from September 14, 2007). Objections to expert testimony moved to **January 15, 2008** (from November 16, 2007.)
- ¶7. Interim Status Report – **November 29, 2007** (from September 14, 2007).

Thank you for your attention to this matter. Should your Honor have any questions, we are available at the Court's convenience.

Respectfully yours,



For Neilli Mullen Walsh

NMW:ms

cc: Alan H. Silverberg, Esquire (via email)
Daniel P. Bennett, Esquire (via email)